

SHELLEY D. KROHN, Trustee  
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA


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In re: ) CASE NO. BK-S-12-20889-lbr  
ADELE JETER-WHEATON ) CHAPTER 7  
Debtors. ) Date: May 2, 2013  
Time: 9:30 a.m.

TRUSTEE'S OBJECTION TO DEBTOR'S EXEMPTION AND MOTION FOR TURNOVER

SHELLEY D. KROHN, Chapter 7 Trustee ("Trustee") in the above-styled Bankruptcy Case, hereby objects to the Debtor's exemptions of the various items of personal property that were previously ordered to be turned over to the Trustee by this Court. Specifically, the 30x40 oil painting of Tuskegee Airman Brig Gen Celes King III, General Nathan Bedford Forrest and Mary Ann Montgomery "brooch", Oba of Benin mask, and Call me Queen Kia of Egypt necklace. This motion is made and based upon the accompanying Memorandum of Points and Authorities and any oral argument this Court may permit.

DATED this 22nd day of March, 2013.

  
SHELLEY D. KROHN, TRUSTEE

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**Statement of Facts**

1. This case was commenced by the filing of a petition under Chapter 7, on 09/24/2012.
2. At the 341 meeting held on 10/24/12, the Debtor was questioned by the Trustee with regard to the various items of personal property she was listing for sale on her web site. These items included:
  - a. 30x40 oil painting of Tuskegee Airman Brig Gen Celes King III;
  - b. General Nathan Bedford Forrest and Mary Ann Montgomery "brooch";
  - c. Oba of Benin mask; and
  - d. Call me Queen Kia of Egypt necklace.
3. The Debtor had not disclosed any of these items of personal property on her Schedule B - Personal Property.
4. The Debtor acknowledged owning these personal items at her meeting of creditors. These items were not claimed as exempt by the Debtor. As such, the Trustee requested the same be turned over on or before October 29, 2012.
5. The Debtor refused to turnover the personal property so the Trustee filed a Motion to Compel Turnover. That motion was granted on February 15, 2013 [ECF No. 66].
6. The Debtor has responded by amending her Schedules B and C to exempt the property, as well as file a motion to vacate the order compelling turnover. [ECF No. 72].
7. The Debtor has further alleged in her motion to vacate that

1 while the Trustee's motion to compel turnover was pending,  
2 she permitted access to the assets in question and allowed  
3 them to be taken by others so that she is no longer in  
4 control or possession of the same. See ECF No. 72, page 5,  
5 lines 18-22.

6 8. The deadline to object to exemptions is March 24, 2013,  
7 pursuant to Fed. R. Bankr. P. 4003(b)(1).

## 8 II.

### 9 Legal Argument

10 A party in interest may object to the claim of an exemption up  
11 to 30 days after the conclusion of the meeting or creditors or within  
12 30 days after an amendment to the list is filed. See Fed. R. Bankr.  
13 P. 4003(b)(1). The 30-day deadline to object to exemption is March  
14 24, 2013. Thus, the Trustee's objection is timely.

15 11 U.S.C. §541 (a)(1) defines property of the estate as "all  
16 legal or equitable interests of the debtor in property as of the  
17 commencement of the case". The issue of exemptions for the assets in  
18 question is still up to this Court to decide. It appears that the  
19 only reason the Debtor claimed these exemptions is because she got  
20 caught having not disclosed them. Until the issue of the true  
21 ownership of these items is determined, the Debtor should not be able  
22 to claim an exemption. The Trustee reserves the right to supplement  
23 this objection as needed.


## 24 III.

### 25 Conclusion

26 The Trustee respectfully requests that this Court enter an order  
27 disallowing the exemptions of the 30x40 oil painting of Tuskegee  
28 Airman Brig Gen Celes King III, General Nathan Bedford Forrest and

1 Mary Ann Montgomery "brooch", Oba of Benin mask, and Call me Queen Kia  
2 of Egypt necklace pending a resolution on pending matters before this  
3 Court.

4 DATED this 22nd day of March, 2013.

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8 SHELLEY D. KROHN, TRUSTEE  
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